



Reprinted
March 6, 2001

SENATE BILL No. 492

DIGEST OF SB 492 (Updated March 5, 2001 2:04 PM - DI 71)

Citations Affected: IC 20-8.1.

Synopsis: Firearms or bombs on school property. Requires a school superintendent or designee to immediately notify law enforcement authorities if a student brings a firearm or bomb onto school property or is in possession of a firearm or bomb on school property. Provides that the superintendent or superintendent's designee may give similar notice if a deadly weapon other than a firearm or bomb is involved. Requires a law enforcement agency that receives notice from a superintendent to investigate and take appropriate action. Removes a requirement that the superintendent notify the county prosecutor in similar situations.

Effective: July 1, 2001.

Clark

January 22, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.
February 22, 2001, amended, reported favorably — Do Pass.
February 26, 2001, read second time, ordered engrossed. Engrossed.
February 27, 2001, returned to second reading for purposes of amendment.
March 5, 2001, reread second time, amended, ordered engrossed.

SB 492—LS 7938/DI 71+



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 492

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-8.1-5.1-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) As used in this
3 section, "firearm" has the meaning set forth in IC 35-47-1-5.

4 **(b) As used in this section, "bomb" has the meaning set forth in**
5 **IC 35-41-1-4.3.**

6 ~~(b)~~ **(c)** As used in this section, "deadly weapon" has the meaning set
7 forth in IC 35-41-1-8. The term does not include a firearm **or bomb**.

8 ~~(c)~~ **(d)** Notwithstanding section 14 of this chapter, a student who is:

9 (1) identified as bringing a firearm **or bomb** to school or on
10 school property; or

11 (2) in possession of a firearm **or bomb** on school property;
12 must be expelled for a period of at least one (1) calendar year, with the
13 return of the student to be at the beginning of the first school semester
14 after the end of the one (1) year period.

15 ~~(d)~~ **(e)** The superintendent may, on a case-by-case basis, modify the
16 period of expulsion under subsection (c) for a student who is expelled
17 under this section.

SB 492—LS 7938/DI 71+



~~(e)~~ (f) Notwithstanding section 14 of this chapter, a student who is:

(1) identified as bringing a deadly weapon to school or on school property; or

(2) in possession of a deadly weapon on school property;

may be expelled for a period of not more than one (1) calendar year.

~~(f)~~ (g) A superintendent ~~or the superintendent's designee~~ shall immediately notify the ~~prosecuting attorney of the county in which appropriate law enforcement agency having jurisdiction over the property where the school is located if a student is expelled under engages in a behavior described in~~ subsection (c). ~~or (e): The superintendent may give similar notice if the student engages in a behavior described in subsection (e).~~ Upon receiving notification under this subsection, the ~~prosecuting attorney law enforcement agency~~ shall begin an investigation and take appropriate action.

~~(g)~~ (h) A student with disabilities (as defined in IC 20-1-6.1-7) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 492, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 4, after "superintendent" insert **"or the superintendent's designee"**.

and when so amended that said bill do pass.

(Reference is to SB 492 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Engrossed Senate Bill 492, which is eligible for third reading, be returned to second reading for purposes of amendment.

CLARK

 SENATE MOTION

Mr. President: I move that Senate Bill 492 be amended to read as follows:

Page 1, between lines 3 and 4, begin a new paragraph and insert: **"(b) As used in this section, "bomb" has the meaning set forth in IC 35-41-1-4.3."**

Page 1, line 4, strike "(b)" and insert "(c)".

Page 1, line 5, after "firearm" insert "**or bomb**".

Page 1, line 6, strike "(c)" and insert "(d)".

Page 1, line 7, after "firearm" insert "**or bomb**".

Page 1, line 9, after "firearm" insert "**or bomb**".

Page 1, line 13, strike "(d)" and insert "(e)".

Page 1, line 16, strike "(e)" and insert "(f)".

Page 2, line 4, strike "(f)" and insert "(g)".

Page 2, line 13, strike "(g)" and insert "(h)".

(Reference is to SB 492 as printed February 23, 2001.)

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